IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

WP(C).No. 23694 of 2006(U)

PETITIONER:

1. **DR. JOBY THOMAS. K., AGED 41 YEARS, S/O. K.O. THOMAS (LATE), READER, DEPARTMENT OF CHEMISTRY, ST.THOMAS, COLLEGE, THRISSUR, PERMANENTLY RESIDING AT KAKKASSERY HOUSE, LUKARAN LANE, EAST FORT, THRISSUR-680 005.**

2. **DR.C.P. JOSE, AGED 54 YEARS, S/O. PAUL, READER, DEPARTMENT OF ENGLISH, ST.THOMAS COLLEGE, THRISSUR, PERMANENTLY RESIDING AT SAPHELLIAM, FRIENDSHIP ROAD, P.O. NADATHARA, THRISSUR-680 751.**

3. **DR. C.D. VARGHESE, AGED 43 YEARS, S/O.C.R. DEVASSY (LATE) READER DEPARTMENT OF BOTANY, ST.THOMAS COLLEGE, THRISSUR, PERMANENTLY RESIDING AT H.NO.79, HILL GARDENS, ANCHERRY P.O., THRISSUR-680 006.**

4. **DR.C.V. DAVID, AGED 41 YEARS, S/O. K.A. VAREED, SENIOR SCALE LECTURER DEPARTMENT OF ZOOLOY, ST.THOMAS COLLEGE, THRISSUR, PERMANENTLY RESIDING AT CHEMBAKASSERY KOONAMMAVU HOUSE, TC X/9 NELLANKARA P.O., NETTISSERY, THRISSUR-680 657.**

BY ADV. SRI.P.T.DINESH
SMT.SUSMITHA P.MALLAYA

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **UNIVERSITY GRANTS COMMISSION REPRESENTED BY SECRETARY, UNIVERSITY GRANTS COMMISSION, BAHADURSHAH ZAFARMARG, NEW DELHI-110 002.**

3. UNION OF INDIA REPRESENTED BY
SECRETARY, MINISTRY OF HUMAN RESOURCES
DEVELOPMENT (DEPARTMENT OF EDUCATION)
81 LODHI ESTATE, NEW DELHI-3.

4. THE ACCOUNTANT GENERAL (A & E)
THIRUVANANTHAPURAM.

5. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

6. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, THRISSUR.

BY ADV. SRI.D.PREM KAMATH, CGC
SRI.S.KRISHNAMOORTHY
G.P.SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-01-2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE LETTER DATED 27-7-98 FROM THE DIRECTOR, MINISTRY OF HUMAN RESOURCES DEPARTMENT.**
EXT.P2	**TRUE COPY OF THE RELEVANT PART OF THE LETTER DATED 27-7-98**
EXT.P3	**TRUE COPY OF THE RELEVANT PART OF THE CONSOLIDATED STATEMENT PUBLISHED BY THE THIRD RESPONDENT.**
EXT.P4	**TRUE COPY OF THE NOTIFICATION DATED 24-12-98 FROM THE SECRETARY, UNIVERSITY GRANTS COMMISSION TO THE VICE CHANCELLORS**
EXT.P5	**TRUE COPY OF THE RELEVANT PART OF GOVT. ORDER DTD. 21-12-99**
EXT.P6	**TRUE COPY OF THE PH.D. DEGREE CERTIFICATE DATED 6-12-94 AWARDED BY THE UNIVERSITY OF CALICUT TO THE FIRST PETITIONER.**
EXT.P6(A)	**TRUE COPY OF THE MEMO DATED 4-7-94 BY THE UNIVERSITY OF CALICUT ISSUED TO THE FIRST PETITIONER.**
EXT.P6(B)	**TRUE COPY OF THE PH.D. CERTIFICATE - DO- TO THE SECOND PETITIONER.**
EXT.P6(C)	**TRUE COPY OF THE MEMO DATED 25-3-91 BY THE UNIVERSITY OF CALICUT ISSUED TO THE SECOND PETITIONER.**
EXT.P7	**TRUE COPY OF THE PH.D. CERTIFICATE AWARDED TO THE THIRD PETITIONER BY THE M.G.UNIVERSITY.**
EXT.P7(A)	**TRUE COPY OF THE PH.D. DEGREE CERTIFICATE AWARDED TO THE FOURTH PETITIONER BY BARKATULLAH UNIVERSITY, BHOPAL**
EXT.P7(B)	**TRUE COPY OF THE NOTIFICATION DATED 28-5-94 ISSUED TO THE FOURTH RESPONDENT.**
EXT.P8	**TRUE COPY OF THE LETTER FROM THE SECRETARY, UNIVERSITY GRANTS COMMISION TO THE HIGHER EDUCATIONAL SECRETARY GOVT. OF KERALA**
EXT.P9	**TRUE COPY OF THE GOVT. ORDER DATED 29-3-01 ISSUED BY R1**
EXT.P10	**TRUE COPY OF THE ORDER FROM THE UNIVERSITY GRANT COMMISSION.**
EXT.P11	**TRUE COPY OF THE JUDGMENT OF THIS COURT IN O.P.32727/01**
EXT.P12	**TRUE COPY OF THE JUDGMENT OF THIS COURT IN O.P.21953/02**
EXT.P13	**TRUE COPY OF THE JUDGMENT IN W.P.C.NO.1068/04**
EXT.P14	**TRUE COPY OF THE LETTER DATED 28-10-03**
EXT.P15	**TRUE COPY OF THE LETTER DATED 29-10-03**

EXT.P16	**TRUE COPY OF THE ORDER DATED 8-4-04 BY THE SECOND RESPONDENT TO R1**
EXT.P17	**TRUE COPY OF THE ORDER DATED 25-6-04 BY R1**
EXT.P18	**TRUE COPY OF THE JUDGMENT IN W.P.C.NO.15782/04**
EXT.P19	**TRUE COPY OF THE JUDGMENT IN W.A.NO.1635/04**
EXT.P20	**TRUE COPY OF THE JUDGMENT IN W.P.C.NO.9833/05**
EXT.P21	**TRUE COPY OF THE REPRESENTATION BY THE FIRST PETITIONER TO R1**
EXT.P21(A)	**TRUE COPY OF THE REPRESENTATION BY THE SECOND PETITIONER TO R1**
EXT.P21(B)	**TRUE COPY OF THE REPRESENTATION BY THE THIRD PETITIONER TO R1**
EXT.P21(C)	**TRUE COPY OF THE REPRESENTATION BY THE FOURTH PETITIONER TO R1**
EXT.P22	**TRUE COPY OF THE JUDGMENT IN W.A.NO.2235/04**
EXT.P23	**TRUE COPY OF THE ORDER DATED 2407-02 BY THE UGC**
EXT.P24	**TRUE COPY OF THE LETTER DATED 23-10-02 BY R1**
EXT.P25	**TRUE COPY OF THE LETTER DATED 30-08-03 BY R1**
EXT.P26	**TRUE COPY OF THE ORDER DATED 14-11-05 BY THE MINISTRY OF AGRICULTURE**
EXT.P27	**TRUE OCPY OF THE JUDGMENT IN W.A.NO.1044/05 AND CONNECTED CASES.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.23694 OF 2006

Dated this the 17th day of January, 2007

JUDGMENT

Case of the petitioners is that they are entitled to advance increment on the basis that they have acquired Ph.D. According to learned counsel for the petitioner, the question is covered in favour of the petitioners on the strength of the Bench decision of this court in Ext.P27. He would further submit that Government of Kerala itself has considered the matter and issued order dated 13-11-2006. Petitioners have preferred Ext.P21 series of representations before the first respondent.

2. I heard learned Government Pleader also.

3. In the above facts and circumstances, Ext.P23 is quashed as there is no dispute that what is stated in Ext.P23 which is followed in Ext. P24 and P25 also cannot stand in the light of Ext.P27. Accordingly, there will be a direction to the first

respondent to consider and take a decision on Ext.P21 series of representations in accordance with law and taking note of Ext.P27 and Government order dated 13-11-2006 within a period of one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

K.M.JOSEPH
JUDGE

sv.